



Board of Adjustment
PO Box 120
Town of Fremont, New Hampshire 03044
Minutes of September 25, 2007
Approved November 20, 2007

Members present: Co-Chairman Brett Hunter, Members Doug Andrew, Jack Baker, Scott Boisvert and Land Use AA/recording Secretary Meredith Bolduc.

Mr. Hunter called the meeting to order at 7:56 p.m. then called the roll.

MINUTES

Mr. Boisvert made the motion to accept the minutes of the August 28, 2007 meeting as written. Motion seconded by Mr. Andrew with unanimous favorable vote.

POINT OF ORDER

Mr. Andrew stepped down as a voting member for this case as he resides in an abutting property.

Case # 07-010
Howard E. Hartford
MAP 6 LOT 004
Beede Hill, Rogers & Shirkin Roads

Present: Pennylope Lewis representing owner Howard Hartford, Richard Lewis

Mr. Hunter opened this Public Hearing at 7:58 p.m. and explained that this is a continuation of the August 28, 2007 portion of this Public Hearing which was continued to allow time for the NH DES field visit and for the Board to receive further information from NH DES relative to the wetland and wetland crossing.

Mr. Hunter reported that on September 7, 2007 a field inspection was done by Mr. Richardson with Mr. Chase of West Environmental and Mrs. Lewis in attendance. Due to a time mix-up, Conservation Commission Chairman Jack Karcz was not present for the inspection.

Mrs. Lewis submitted the September 20, 2007 NH DES Wetlands and Non-Site Specific Permit #2007-01467. This Wetlands Permit was approved by Frank D. Richardson of the DES Wetlands Bureau as a result of his September 7, 2007 field inspection of the property. The description of the permit was "Dredge and fill 800 sq.ft. of palustrine forested wetlands and within a seasonal stream to

install a 4 ft x 8 ft. box culvert to construct a driveway crossing to access a single-family house lot on a 5.43 acre parcel of land.” This is subject to project specific conditions including:

1. All work shall be in accordance with plans by Landry Survey, LLC and detail of box culvert dated May 2007
2. Is contingent upon approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development
4. Orange construction fencing placement
5. Siltation/erosion/turbidity controls in place prior to construction.
6. Work shall be done during low flow.

Attached to this permit was the culvert detail as drawn by Phoenix Precast Products.
(see file)

It was agreed that this September 20, 2007 NH DES Wetlands and Non-Site Specific Permit was acceptable to address the additional information requested by the Board and the conditions minimize the wetland impact, which were concerns of this Board and the Conservation Commission.

Mr. Hunter related that there is not a full Board present and that the applicants have the option of waiting for a full Board for a decision. Mrs. Lewis stated that she would like to proceed with the 3 members present.

The Board reviewed plan # 922 drawn by Landry Survey, LLC and dated May 2007.

It was noted that the lots were erroneously numbered on the original plan, and he explained that the lot shown as Map 6 Lot 6-4-2 will be corrected to *Map 6 Lot 4* and the lot shown as Map 6 Lot 6-4-3 will be corrected to *Map 6 Lot 4-2*.

Mr. Hunter stated that, as per the August 28, 2007 portion of this Public Hearing, the following correspondences relative to State Dredge and Fill were received and reviewed:

1. A copy of a June 25, 2007 Standard Dredge & Fill Application submitted to the NH DES by Mrs. Lewis for Mr. Hartford
2. A copy of a June 28, 2007 correspondence from the Conservation Commission to NH DES requesting suspended action on the notice pending a site inspection.
3. A copy of a July 3, 2007 Notice of Administrative Completeness letter from the NH DES to Mr. Hartford acknowledging his June 28, 2007 Dredge and Fill Application and advising of the Conservation Commissions request for additional time to view the property.
4. A July 17, 2007 correspondence from Richard Bond of the Rockingham County Conservation District. Mr. Bond's conclusion was that the proposed driveway on proposed lot 6-6-4-3, is located in an appropriate location and is located as far as possible from the adjacent wetlands.
5. A copy of an August 1, 2007 correspondence from the Conservation Commission requesting that an agent of the Wetlands bureau of DES visit the site and make recommendations that will fully minimize the impact on these wetlands and associated properties before authorizing the Dredge and Fill permit.
6. An August 2, 2007 email from Mr. Frank Richardson of NH DES to the Land Use Office advising of a probable field inspection.
7. A copy of an August 15, 2007 correspondence from Earle Chase, CWS of West Environmental to Frank Richardson of NH DES in answer to issues raised by the Conservation Commission in their August 1, 2007 letter.

(see all correspondences in file)

Mr. Hunter stated that, in summary, Mrs. Lewis/Mr. Hartford is seeking Special Exceptions for:

1. A driveway closer than 100' to a wetland on Map 6 Lot 6-4-2
2. A well placement with associated grading closer than 100' to a wetland on Map 6 Lot 6-4-2
3. A driveway crossing wetland in one area and as close as 15' to a smaller wetland in another area on Map 6 Lot 6-4-3.
4. A well placement with associated grading closer than 100' to a wetland on Map 6 Lot 6-4-3

Mr. Hunter asked if there was comment from the public. Mr. Andrew stated that he had no comments.

Mr. Hunter asked for a consensus of the Board relative to whether each individual exception request is, or is not, allowed by the ordinance and there are, or are not, specific conditions present under which the exception may be granted. It was the unanimous consensus of the Board that each exception request is allowed by the ordinance and there are specific conditions present under which the exceptions may be granted.

After careful review by the Board, Mr. Boisvert made the motion that, based on the information presented and on the Board's determination that each exception is allowed by the ordinance and the specific conditions under which each exception may be granted have been met, the Board grant the following Special Exceptions as requested by Pennylope E. Lewis under power of attorney for owner Howard E. Hartford, pursuant to Plan #922 drawn by Landry Survey and dated May, 2007.

1. To allow the placement of a well with associated site grading on the parcel of property as shown on plan #922 drawn by Landry Survey, LLC as Map 6 Lot 6-4-2, (to be corrected to Map 6 Lot 4) within a wetlands/watershed protection area with the following conditions:
 - A. That no portion of the placement of the well or associated drainage be closer than five (5) feet to a wetlands/watershed protection area.
 - B. That the contractor keeps the silt fence in good repair to ensure that no damage is done to the wetland and wetland buffer during construction of the project.
2. To allow the construction of a driveway and associated grading closer than one hundred (100) feet to a wetland on the parcel of property as shown on plan #922 drawn by Landry Survey, LLC as Map 6 Lot 6-4-2 (to be corrected to Map 6 Lot 4) with the following conditions:
 - A. That no portion of the driveway or associated grading be closer than forty (40) feet to a wetland.
 - B. That the contractor keeps the silt fence in good repair to ensure that no damage is done to the wetland and wetland buffer during construction of the project.
 - C. That the driveway to be gravel construction only. No impervious surfaces shall be allowed.
 - D. These restrictions shall be recorded with the current deed and with any subsequent deeds to this parcel or subdivision of this parcel.
3. To allow the placement of a well with associated site grading on the parcel of property as shown on plan #922 drawn by Landry Survey, LLC as Map 6 Lot 6-4-3 (to be corrected to Map 6 Lot 4-2), closer than one hundred (100') feet to a wetlands/watershed protection area with the following conditions:
 - A. That no portion of the placement of the well or associated drainage be closer than forty (40) feet to a wetlands/watershed protection area.

- B. That the contractor keeps the silt fence in good repair to ensure that no damage is done to the wetland and wetland buffer during construction of the project.
4. To allow the construction of a driveway and associated site grading and drainage on the parcel of property as shown on plan #922 drawn by Landry Survey, LLC as Map 6 Lot 6-4-3 (to be corrected to Map 6 Lot 4-2), closer than one hundred (100) feet, but no closer than five (5) feet to a wetland depression in one area and crossing a wetland in another area for a maximum distance of forty (40) feet with the following conditions:
 - A. That the total area of impact to any wetland not exceed eight hundred (800) square feet.
 - B. That the driveway to be gravel construction only. No impervious surfaces shall be allowed.
 - C. That the box culvert used for construction be no less than four (4) feet by eight (8) feet in size.
 - D. Silt fences and other appropriate materials shall be used to minimize wetland impact during construction.
 - E. These restrictions shall be a recorded with the current deed and with any subsequent deeds to this parcel or subdivision of this parcel.
5. The provisions of RSA 676:17 shall apply to each of the allowed Special Exceptions.
6. These restrictions shall be recorded with the current deed and with any subsequent deeds to this parcel or subdivision of this parcel.

Motion seconded by Mr. Baker with unanimous favorable vote.

Mr. Hunter declared the Special Exceptions granted.

The applicant was instructed that there is a 30 day appeal period and that this decision will be recorded at the Rockingham Registrar of Deeds and will be attached to the deed.

Mrs. Lewis agreed to submit all recording fees.

At 8:50 pm Mr. Baker made the motion to close this Public Hearing.

Motion seconded by Mr. Boisvert with unanimous favorable vote.

POINT OF ORDER

Mr. Andrew rejoined the Board at this time.

The Board discussed upcoming seminars and workshops.

CORRESPONDENCE

1. Notice of the October 13, 2007 Office of Energy & Planning (OEP) Fall Planning & Zoning Conference.
2. Notice of the November 7 – 9, 2007 Local Government Center (LGC) Annual Conference

At 9:00 Mr. Baker made the motion to adjourn.

Motion seconded by Mr. Boisvert with unanimous favorable vote.

Respectfully submitted,

ZBA Meeting Minutes 09-25-07

Meredith Bolduc, recording secretary